

Montana Transportation Commission

December 7, 2005 meeting

MDT Helena Headquarters ~ 2701 Prospect Avenue, Helena, MT

In attendance:

Bill Kennedy, Transportation Commission Chair
Nancy Espy, Transportation Commission Vice Chair
Kevin Howlett, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Deb Kottel, Transportation Commissioner
Jim Lynch, Director –Montana Department of
Transportation (MDT)
Jim Currie, MDT Deputy Director

Tim Reardon, MDT Chief Counsel
Sandra Straehl, MDT Rail, Transit & Planning
Administrator
Loran Frazier, MDT Chief Engineer
Janice W Brown, FHWA Division Administrator
Mike Duman, Assistant FHWA Division Administrator
Lorelle Demont, Transportation Commission Secretary

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Chairman Kennedy called the meeting to order at 8:35 am with Commissioners Deb Kottel, Rick Griffith, Nancy Espy and Kevin Howlett present. The pledge of allegiance was followed by an invocation offered by Commissioner Howlett.

Agenda item 1: Approve minutes

- conference call on November 14, 2005

Commissioner Griffith moved to accept staff recommendations to approve the minutes as presented; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 2: Rest area design options and the Rest Area Plan

Straehl said no action is required of the commission on this item. Straehl introduced Dick Turner, multi-modal bureau chief, to present the status of the rest area plan, and Larry Murolo, chief of the facilities bureau, to provide the architectural options that are available when the rest areas are being planned. In advance of the presentation Straehl presented the commission with an updated status report that is consistent with the “Redbook” (the department's tentative construction program (TCP)) meetings.

Dick Turner presented an overview of the rest area plan and some of the history. He said the primary function for the rest areas is safety and that is why federal funding is available to build and improve them. There is also tourism and other advantages to the state. Unfortunately, Montana's state rest areas have a history of very low ratings and negative comments. Those comments were justified. We weren't able to keep them open during the winter, they were dark and dingy, and not really a safe place to stop.

Also, they were few and far between, when they were closed, it made them farther apart along I-90. In the late 1990s, as a result of public input, the department for the first time took a comprehensive look at our rest area program and developed the 1999 long-range rest area plan. Prior to that time, our rest area plan was basically a map showing the proposed locations of the rest areas. With this 1999 plan, we were actually able to establish policies on things like spacing, general location issues, what to do in the case when we abandon rest areas (our policy is that we will continue to use the area for truck storage and a safe place for trucks to park), and also some maintenance policies. That plan update was initiated with our first ever rest area comprehensive user survey; we actually had college students go out to different rest areas and ask the users what they thought about the rest areas and what they thought what we should include in our rest areas in the future. We also had an advisory committee advising us in the process.

We've also taken some other initiatives related to the rest area plan. Earlier this year, for example, under the direction of Director Lynch, the policy was rescinded closing the rest areas during the winter months. This is something we heard from the public in the last five years that we need to keep more rest areas open during the winter. Unfortunately, some of our rest areas cannot be open during the winter. Those that can are now open.

We have also rewritten our maintenance contracts to strengthen those contacts. With very few exceptions, all of our rest areas are maintained by caretakers. Over the years, some of those caretakers have not done a very good job and the department has not done a good job of over seeing those contracts. We've also developed some new designs and looked at looked at new locations that should enhance maintenance practices. For example, by locating new rest areas near cities or in cities we can tap into the city utilities, there is more of a supply of caretakers, and better security with more law enforcement – just a much better situation.

To demonstrate how we have changed the way we approach rest area design, Turner showed examples of some of the rest areas the department has built since 2000 and compared that to the photo he showed earlier.

This is also consistent with the TCP that Sandy mentioned. This map shows rest areas that have been built since 2000 (in the lighter shade of red) and rest areas that are in the pipeline for reconstruction or updated construction per the updated TCP (shown in bright red). So not only have we done a lot in the past few years, but over the next five year period, we have a lot in the pipeline and this will average – consistent with past commission action over the 10 year period – one new rest area per year.

The public response to the new rest areas and maintenance practices has been, almost without exception, very positive. Comparing the responses to the recent user survey from the Mosby rest area to some of those quotes shown earlier, is like night and day. Probably the biggest complaint we get is we need more of them like this! Turner concluded his part of the presentation and turned it over to Larry Murolo to give a virtual tour of the rest areas.

Murolo said along with the rest areas and weigh stations, he is responsible for the maintenance buildings in headquarters and the rest of the facilities. The department has approximately 1,000 buildings statewide. We have a lot to maintain and keep up. The rest areas are one of the most important as far as the traveling public goes.

He gave a virtual tour of the rest areas. He said we called the old style "Thunderbird" rest areas. After that, we moved into the next generations of rest areas. One of the issues is keeping the rest areas clean. Many of you have been out there and it says, "rest area closed for cleaning". That may be the only way the caretaker could get in there to clean. As a matter of fact, it just happened to me a couple of months ago at Clearwater, which is one of our newer ones. There was a group of us and a gal was cleaning it so it makes you realize what the public goes through. We're tried to change that with the design of the rest areas. Another thing was security. One of the top things we found are that people need to feel safe when they go into rest areas. At one time we had those concrete barriers outside as you walk in and they hid the doors. We did away with all of that.

Currie commented that the rest area interiors aren't unlike the cells at Montana State Prison in terms of the fixtures and its indestructiveness. Murolo said we used to use stainless steel prison fixtures, toilets, and sinks. The price of one stainless steel toilet is \$1,800. The problem we had was the ability to keep it clean. They start to show their age rather quickly unless you really keep up on it. Murolo showed a slide of the Clearwater rest area, which was just built in 2000. We decided we needed to do something to change it. Those are concrete walls four by four steel box tubing. Some of the problems we had were people drilling the stalls, especially on the men's side from stall to urinal. What we were finding or we suspect, and this was not a one time occasion, somebody would go into the stall and drill out to the urinal side and look out at who was using the urinals. This was happening on a weekly basis. This is just one of the problems that we typically face.

We now have some facilities that are a combination rest area and visitor center, e.g. Broadus, Wibaux. Murolo showed a 3-D animation of the Bozeman rest area set up by John Ascherman here in the department. For those of you that haven't been to the Bozeman or Sweet Grass rest areas, we are going to go through those. Some of the things you see are walking trails and picnic shelters. Walking inside the building, there is a rather nice size lobby area. There are groups that do cookies and coffee for travelers, and we allow them to use the lobbies. Other features are seating, large windows, and the ability for users to see how many people are in the rest area when they pull up. The restrooms have porcelain fixtures, just like most homes and businesses. A unique feature is a moveable "curtain" to help us keep the rest rooms open during cleaning: the curtain can be closed to allow cleaning in one half while keeping the other half open. It's actually working very well.

The walking trails allow people to get out and get some exercise. We have pet areas, complete with pet water stations. We want to provide landscaping within a reasonable distance of the rest areas. We've spent quite a bit of money on landscaping. At the Bozeman rest area, we have signs along the walking trail with details about the Lewis and Clark expedition. This resulted from a joint effort between us and the tourism groups.

Murolo showed slides of the Sweet Grass rest area. He pointed out things that we take for granted, such as hot water, which we didn't have before. Other new items are changing tables and baby seats in every stall. This is our first attempt at individual rest rooms all the way through. The positive thing about this is when you have a group come through in a bus or a tour group, even though we do have the stalls marked "men" and "women", they can take over and use any restroom. This is a family restroom all the way through. This has been real positive. Kottel noted that this would be helpful for those traveling with a handicapped person because it enable the caregiver, if they're of a different gender, to go into the restroom with the person. This can be an awkward situation for people – they're not sure which restroom to use.

There is a computer kiosk where the user can look at the weather. Sweet Grass uses ground source heat. We are looking at it for every rest area at every location. In Anaconda, we have wind power going up.

Commissioner Kottell wanted to know if all the rest areas that will be built would have family restrooms. Murolo said yes. We believe it is a step in the right direction, and we've had really good comments on it.

Lynch said rest areas are open during the wintertime; the only time that might change is during a heavy snowfall. The snowplows have to clear the roads first, so there might not be as many parking places as there are in the springtime, but there will be enough spaces where cars and trucks can get in there safely and use the facilities.

Murolo said one of the other things we are testing, at the Sweet Grass rest area – which is located near the Canadian border along I 15, is having MDT employees do the cleaning. We are getting excellent results and comments out of that as well. All the other rest areas have cleaning provided as a contracted service.

Currie asked Murolo how does it compare relative to cost? Blacker stated it's about 20-25 percent less cost for us to do it plus we are there about 35 to 40 percent more hours than contracted help.

Lynch said John [Blacker] and I have had conversations about our philosophy on this and my position as director on this issue. It is my understanding that past practices has been focused on contracting out as much as possible. I think they've lost sight of the objective here and that is to keep a clean restroom. My direction here to John has been to keep clean restrooms. If we can't get contracted services to do it, then we [MDT] are going to do it. We are not going to sacrifice services to the public just because we don't have quality contract services. That is good business to have us step in and do that.

Chairman Kennedy stated that one of the complaints has always been safety, especially at night. With the lighting, as you're driving up, I like that you can look right inside, and you have the private stalls there so you know there is no one else in there. Is there any attempt

to locate new rest areas next to another property that is running also, such as a truck stop? I know the rest area right outside of Bozeman on 19th street, there are stores that have gone up out there – I think one feels more safe with people coming and going all the time.

Lynch said actually John asked me about the possibility of looking at a concept similar to what the Forest Service does: to have a resident care taker there, not necessarily to clean the place but to be there on site. Some of these rest areas are really pretty nice. We could perhaps attract some people to move in a fifth wheel and stay there. They would offer supervision and security, and host services to explain Montana, some of the geological formations around the area, places to go and places to see. We are exploring the possibilities of doing that right now.

Murolo explained that some of our new rest areas are located in communities, for example, we've got one that is scheduled for Boulder, which will replace the one we'll be closing south of Helena. The Lima rest area is right in the community of Lima. When we are looking for new locations, the first thing we are looking for is an interchange location so we can build one rest area versus two, which is easier to maintain. That doesn't always work out. The other thing we look for is proximity to a community where there are community services. Harlowtown is one of the rest areas being built, it is right in Harlow, where we have community services. The failure of most of the rest areas in the past has been because of failed septic systems and/or water wells. We are trying to solve that.

Blacker noted that as we build better, nicer rest areas in communities, we reap the advantage of getting community buy-in. For example, we have been approached by the folks in Sweet Grass to put a playground in that rest area, which would become somewhat of a park for the area. In a small community such as that, I think there are advantages for both of us.

Blacker also said we've been working on a RFP to provide Internet service at our rest areas, and are about to go to bid. This service will allow members of the trucking industry or others, to sit in their vehicle and get on their computers. Texas has had a vendor come in that allows users to get an hour free, after which they have to pay for additional time.

Chairman Kennedy said he received a call yesterday from a guy that owns a truck moving place. He was looking at the agenda for this meeting and wanted to share that one of the areas truckers are complaining about is when we close the rest areas for the winter and put the gates on them. The whole parking area is closed. His basic complaint is that most of the trucks have logs and they know exactly how far they can go before they have to sleep for the night. They like to pull in and sleep there for the night, but a lot of the rest areas they use during good weather are closed during the winter-time.

Blacker said the problem with that is, and I think Dick said it earlier, we have a few rest areas that aren't able to open during the winter. The problem with leaving them open for people to park in and stay the night is that the visitors tend to leave stuff behind that becomes a sanitary problem. In some cases we have been putting in porta-potties to try to help that situation out. I think the CDL requirements require us to be more proactive and we are trying to address that at every opportunity.

Murolo said we have areas now with Forest Service vault-type toilets, for example, south of Great Falls at Lyons Creek. We have contracted five vaulted toilets at those locations so there are conveniences when people do stop. I think we are only cleaning them a couple times a week and we really haven't had any negative comments on them at all.

Chairman Kennedy said I think this came from the Lockwood rest area, where the Flying J is. If a trucker doesn't get there early enough, he can't find a spot to park his truck. If you go by there every night, you'll see that the parking lot is packed. Then, all the way down for 25 miles, wherever truckers can pull off, they do. They will go get gas at Flying J and then they will head down the road for as far as they can then pull off. I think a lot of them east of us have been using the rest areas to pull off and sleep for the night and move on. I think that is what precipitated the call to me.

Lynch said I've talked to Larry and John both and I think they are doing a great job on the rest areas and the wireless that is going in there. A couple things I would really like to see with the rest areas is to get a little bit more land. To have a lawn area that is signed so the dogs aren't taking over where you can let your kids out and they can run or play a little touch football. For the dogs, I'd like to see a fenced-in area, large enough where you can actually take the dog and let him run. Rest areas need to be rest areas, not just places to go, drop off the garbage and use the restrooms. They need to encourage people to stay and rest, which means they need to be safe, and they need to be comfortable for families. It's really encouraging: the rest areas in Washington, Idaho and Montana are cleaner than the rest rooms in the quick stop gas stations. I think it's important that we have rest areas. I think you need to be aware that I have received some complaints too.

Commissioner Howlett offered a suggestion that rest areas portray a little more of the historical significance of the area. Montana has a lot of history, and I think a lot of people pass through Montana that don't have the opportunity to know that. I know with the 93 project we talked about that in terms of signage. One idea is to offer information about the native people of that area.

Currie said the director touched on a little of what I wanted to say. There is some political controversy surrounding the rest area program. When we are over at the legislature, we do hear from some legislators that think we are squandering money, and then we have some that think it's a very good thing. I think the important thing to remember that what we're doing is a result of a very concentrated public involvement process. We do customer surveys once every other year or two to gauge what the public thinks we should be investing our dollars in and rest areas is one of those areas. We are taking the lead from our customers. Let's not forget that tourism is number two industry in this state and it's something we get an awful lot of use and it is a reflection on our state.

Turner said just to add to what Jim said, when we open a new rest area, we, as soon as possible conduct a user survey from the users of the rest areas. I mentioned that we are essentially right in the middle of one of those surveys from Mosby, a rest area that just opened earlier this year. We haven't got the complete results, but we've got about 30 responses; with one exception they have been very, very positive. The exception said that we spent too much money on it and elsewhere in the survey said that we should have used more natural stone. We have those responses on file; if there is ever any question about where we are going with these rest areas, we can bring these responses out.

Chairman Kennedy said the Crow Agency rest area is set for 2009. Director Lynch and I had the opportunity to talk to the commissioners from down in Big Horn County. They do have a sewer system that they will be upgrading and they would like to extend that out to us. So if we haven't got that letter to you we should get it to you soon. If you are in the planning stages you can work with them on it. They are looking for some help with the sewer but they are also offering the ability to use that system. Then we don't have some of the problems they have had, around Custer and some of those other areas. After we've put the septic in we've just saturated the area and then we have to look at another area for a rest area. I think that is a good thing with the local community to be able to use their system. They have some ownership of it too and I think that is a big thing, if people have ownership they have pride in the rest areas and everything else we do, I think they take a little better care.

Currie said when we look at site locations now we try to look, number one at a interchange, so we only have to build one facility, and number two, we like to build close to communities so we can tie into sewer and water. We aren't going to be able to do that in all cases, but for those reasons and for security we do want to build close to communities.

Commissioner Griffith said I do agree with Kevin on the cultural issue. I'm thinking of design of the Anaconda facility. Murolo said the architect is Crossman Whitney & Griffin Architects of Helena. We have met with the people and historians in Anaconda, and they are playing a rather large role in the design. The same thing goes for Battlefield. The lobby on that particular rest area will really highlight cultural artifacts. We are taking cultural factors into account in the design of every rest area.

Commissioner Griffith said the one thing about Anaconda that is different is that we are going on a reclaim site. The federal government calls grassing the area “reclaimed”. I would like to see it reclaimed to the vegetation that ought to be there – what would have been there historically, absent the mining activity. I envision lots of Aspen trees. There are some rest areas, such as the one coming home from Missoula, that are very beautiful to look at. I would hope that we could do the same thing in Anaconda.

Commissioner Espy said our rest area is connected with our visitor center in Broadus. There are several of those around the state. To increase numbers in the visitor center, they put up signs in the bathroom inviting people to visit the visitor’s center.

Lynch said he couldn’t agree more with Commissioner Howlett about his comment concerning the cultural centers at rest areas. We are just getting started on a program based on the book “*Roadside Geology*.” We are planning pullouts with signs that match the locations discussed in the book.

Straehl – there is no action requested from the Commission on this item. This is just an update. Particulars on specifics of the update are identified in the summary on page two; those are technical changes on the maps.

Agenda item 3: Wetland mitigation feasibility study

Teller Wildlife Refuge north of Corvallis – Ravalli County

Straehl explained that this is a feasibility study to restore a former wetland in the area of wetland number three located on the lower Clark Fork River basin. The hope is this would result in the development of approximately 40-50 acres of wetland credits and would assist in mitigating impacts associated with several proposed roadway reconstruction projects in the Missoula District, including *Conner N & S*, Skalkaho Road, *Florence-East* and other possible future MDT transportation projects.

As the wetland credits at both the Tucker Crossing Ranch and Lee Metcalf Refuge wetland mitigation areas are being primarily utilized to mitigate wetland losses occurring with the US 93 Hamilton to Lolo projects, MDT foresees a need in the future for additional wetland credits in this portion of the watershed.

The cost is \$100,000 and staff recommends approval. We like to do these out ahead of the projects. By mitigating these sites now, it will allow the department to bank some wetland mitigation credits that could be used in a cost-effective way on future projects. Currently, MDT is running in a negative wetlands balance situation on *Conner North and South*.

Chairman Kennedy asked how far out in an area can you bank or purchase wetlands for projects? Straehl said that it has to be in the drainage. There are watershed areas identified all over the state. There are 16 of them and each one of them has a balance sheet that we maintain.

Chairman Kennedy wanted to know if we purchase wetlands, if we can stockpile them for projects. For example, if we have a project in Yellowstone County, can we purchase wetlands in Rosebud County and still contribute to a project in Yellowstone County? Straehl replied we could if they are in the same watershed area. If we acquire the credits in advance of construction, the mitigation ratio is 1:1. If we wait until the construction project has already been awarded and initiated, then the ratios is much higher, it’s like 1.5:1. It’s much to the credit of the overall program that we are working in advance. We are working with the Army Corps of Engineers, to advance projects they see as useful and are available for credit.

One of the other things that came up during the Redbook meeting is the \$0.5 million dollars that is reserved for feasibility studies. I told the commission at that time that we would look into how much money is being used overall for the development of wetland credit. I did acquire this from the folks who work for Loran and do wetlands. The bottom line on this is between fiscal year 1996 and 2005, the cost has been \$12.1 million or \$32,000 per acre. The mitigation cost per acre averaged \$13,000. I will bring periodic updates to you.

Chairman Kennedy wanted to know how wetlands are designated. Frazier said the wetlands are identified by the type of soils and also by certain plant species. There are degrees of wetland quality. For example, the ideal wetland has cattails.

Commissioner Kottell said that looking at the map it looks like a majority of the wetlands were developed on government land. She wanted to know if there was a trend for keeping wetlands on government-owned land or if there is an increased movement towards developing wetlands on private property and purchasing easement rights?

Frazier said that primarily we get easements from private landowners. The department is not able to build wetlands on public grounds, that has been restricted. We've been working out an agreement with BLM (the federal Bureau of Land Management) where maybe we can, because we are running out of places to purchase for wetland. In the Metcalf area, we did purchase private land.

Mike Duman said that the whole concept here is we have to build wetlands where none existed. Whatever is available out there, we have to take a look at. We do get a lot of restrictions. The last tool we have developed the past year is the credits, if we can't find a place then we can rely on the credits. In the final analysis, if we can't find a place to mitigate there is an option to go through a third party.

Chairman Kennedy said we planned on doing some trips this year, during one of the planned district tours I would like the opportunity to go to wetland area to see the ground and plants. I think it would be a good idea to get educated, so when we have to explain to the public we would know. Commissioner Howlett echoed Kennedy's suggestion, and said it would be beneficial to have a refresher course on the issues, especially with some complex projects coming up such as Swamp Creek, Marias Pass East, and the Two Medicine Bridge project.

Lynch said that he would like to do an educational presentation on wetlands at a commission meeting. He emphasized there is a real benefit to what we are doing. It does cost highway dollars to do it, and there are some people that want those monies to go into asphalt. We have an ecosystem out there that we need to protect. I think what MDT has done in development and protection of wetlands is a positive thing. I would like to give you "before" and "after" shots. Sometimes we even make improvements to existing wetlands, and they are more beneficial than when we started.

Commissioner Espy thought that was an excellent idea. She said when we do go to Billings in the spring and see it first hand, we will understand and appreciate it more.

Commissioner Howlett moved to accept staff recommendations to approve the addition of a feasibility study for Teller Wildlife Refuge north of Corvallis in Ravalli County to the program; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Agenda item 4: Enhancement program on MDT right-of-way

- a. *Kerr Dam Road – Bike Path – West of Polson*
- b. *Bike/Pedestrian Path – North of Big Arm*

Straehl said these two enhancement projects are in Lake County and are matched by local governments. The program is based on an agreement between MDT and Montana local and tribal governments.

1. *Kerr Dam Road – Bike Path – West of Polson*

This enhancement project will design and construct approximately 3700 lineal feet of 8-foot wide bike/pedestrian trail along the east side of MT 354 in Polson. The pathway will connect with the end of the existing sidewalk on MT Secondary 354 at the west city limits of Polson and extend south within the right-of-way of MT Secondary 354 to the intersection with Grenier Lane. The estimated total project costs are \$99,000, which consists of \$16,000 for preliminary engineering, \$77,000 for construction, and \$6,000 for construction engineering.

Including this project, Lake County will have obligated \$990,505 of the \$1,192,232 made available through the CTEP program.

2. *Bike/Pedestrian Path – North of Big Arm*

This enhancement project will design and construct approximately 5800 lineal feet of 8-foot wide bike/pedestrian trail to connect Big Arm State Park with the community of Big Arm. The pathway will lie on the north and east side of US 93, which has ample right-of-way to allow construction. The estimated total project costs are \$155,000, which consists of \$20,000 for preliminary engineering, \$121,000 for construction, and \$14,000 for construction engineering.

Including this project, Lake County will have obligated \$1,124,704 of the \$1,192,232 made available through the CTEP program.

All work will be in accordance with current design standards and ADA requirements.

Commissioner Howlett stated that he knows where the Big Arm to the State Park path is and he thinks they have a greater need for a pedestrian walkway from the housing development in Elmo to the park. Straehl pointed out that there are two potential funding sources in that area that could support that kind of path: Lake County's CTEP money and the Confederated Salish and Kootenai CTEP allocation. This is a public involvement process standing behind the proposal. Howlett said there needs to be more dialog on these projects.

Chairman Kennedy noted that CTEP projects tend to be community driven, with an expectation that the community – not the local government – will have to provide a match for the CTEP money. He suggested Howlett talk to people in the communities to get some projects on the docket.

Commissioner Howlett acknowledged there is a limited amount of money available. He passed along an observation there is a real need for a pedestrian bridge on the Flathead River by Polson (US 93). People lean from the bridge to fish and this is a real hazard. There is a need for projects and only a limited amount of money.

Commissioner Espy described the method that Powder River County used to involve the public in identifying and prioritizing their CTEP projects.

Commissioner Kottel asked about the match. Straehl said the match is 13.42 percent.

Commissioner Howlett moved to accept staff recommendations to approve the addition of these two enhancement projects into the program; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 5: SAFETEA-Lu on-system earmarks

- c. *Zimmerman Trail – Billings*
- d. *Bench Boulevard – Billings*

Commissioner Espy moved to accept staff recommendations to approve the addition of these two projects to the program; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Agenda item 6: Construction projects on state urban system – Bozeman

Commissioner Griffith moved to accept staff recommendations to approve let, award, and administer the project to reconstruct Durston Road from North 7th Avenue to North 19th Avenue in Bozeman to the City of Bozeman pending the concurrence of MDT's chief engineer; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 7: Speed limit studies

- a. *Secondary 285 – near Radersburg*
- b. *U-5220 – Fox Farm Road*

Secondary 285 – near Radersburg

Staff recommendations:

- A 35 mph speed limit beginning at station 13+00 project RS 86(4) and continuing east to station 21+00, an approximate distance of 800 feet.
- A 45 mph speed limit beginning at station 21+00 project RS 86(4) and continuing east to station 29+00, an approximate distance of 800 feet.
- The statutory 25 mph speed limit will remain in effect within the urban district.

U-5220 – Fox Farm Road

Staff recommendations:

- A 40 mph speed limit beginning 200 feet south of the intersection with East Fiesta Road (Great Falls city limits) and continuing south to a point 200 feet south of the intersection with Dick Road, an approximate distance of 1.477 miles.
- A 45 mph speed limit beginning 200 feet south of Dick Road and continuing south to the end of the federal-aid urban route designation at the intersection with Fawn Drive, an approximate distance of .89-mile.

Commissioner Kottel moved to accept staff recommendations to approve the special speed zones for Radersburg and Fox Farm Road as presented; Commissioners Griffith and Espy seconded the motion. All five commissioners voted aye.

Agenda item 8: Letting lists

Frazier distributed the most recent proposed letting lists for January, February, March, April and May 2006.

Commissioner Griffith moved to accept staff recommendations to approve the proposed letting lists for January, February, March, April and May 2006; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 9: Certificates of completion for September & October, 2005

Commissioner Griffith moved to accept staff recommendations to approve the certificates of completion for September and October 2005; Commissioner Howlett seconded the motion. All five commissioners voted aye.

Agenda item 10: Project change orders

October 2005 = \$140,726.69

Commissioner Griffith moved to accept staff recommendations to approve the project change orders for October 2005 as presented; Commissioner Howlett seconded the motion. All five commissioners voted aye.

Agenda item 11: Liquidated damages

- a. \$13,538.00 assessed on project *CM 0204(4) – 4th – Hickory to RR Xing - Anaconda*, Hollow Contracting Inc of Butte, MT
- b. \$5,343.00 assessed on project *STPP 27-2(16)36 – Baker – North*, Prince Inc of Forsyth, MT
- c. \$4,835.00 assessed on project *STPS 474-1(6)0 – Desmet Interchange – W*, JTL Group Inc- Missoula of Missoula, MT
- d. \$10,686.00 assessed on project *IM 94-3(58)85 – Forsyth E & W (WB)*, Prince Inc of Forsyth, MT
- e. \$6,769.00 assessed on project *SFCS 347-1(2)0 – Jct. S – 288 – East*, Hollow Contracting Inc of Butte, MT
- f. \$39,182 assessed on project *NHTSA-STPP 0002(454) – Safety Improvements Somers Area SFCP-STPHS 82-1(3)1 – Somers – East*, JTL Group Inc–Kalispell

No contractors appeared before the commission to contest the liquidated damages.
The commission took no action therefore the liquidated damages stand.

Agenda item 12: Commission discussion

Lynch presented several items:

Correspondence with the Mayor of Sidney regarding his request for a bypass

Commissioner Espy said I know how they feel there. With the increase of extraction, there has been a significant increase in traffic. Isn't there an impact fund somewhere to help these people? Lynch said not that I'm aware of. If there is an issue to address, we would probably have to address it with our funds. Currie said the only one I'm aware of is the coal severance tax, but it was set up in such a way that it's almost impossible to tap it. Lynch said you bring up a very interesting philosophical point and the importance of anticipating future needs in current projects.

Espy said folks wonder why some of the revenue being built in up in Helena with the Department of Revenue as a result of the extraction in eastern Montana can't be used to help their infrastructure. Chairman Kennedy suggested they contact their local legislators. If there are impact dollars that are going to be set aside, they will have to go through the legislative process. Commissioner Espy said she would pass that advice along.

Commissioner Howlett said I look at this request as an anomaly. Most small towns want the traffic to go through town to enable the businesses to survive. State law requires that we build state highways in small towns and we have to comply with what the local government wants. Eastern Montana has lost a tremendous number of people. If you look at the long term, it's probably not an infinite resource and this situation is probably temporary. Those trucks probably generate a lot of revenue.

Espy disagreed. Lynch said that's what my letter to Mayor Smelser addresses. There is a push in the state to exclude trucks from highways and we can't do that. Kottel asked what stops us from having a truck-only bypass. Lynch said the same laws that prevents us from excluding trucks from a road: both entities pay gas taxes. Kottel said we often say that we can't do something and it may not always be true. Lynch wondered if perhaps a truck-only lane would be possible, similar to a bus lane. Duman said if public funds are used to build a facility, the taxpayers should have access to it. The reasonable access law comes into play. Mitigation is a possibility through a residential area. A toll road is perhaps an option. Lynch said toll roads can restrict use because it's a private facility.

Chairman Kennedy said we looked at toll roads on Zimmerman Trail and Rimrock Road. If we would have routed truck traffic farther west to get to Highway 3, we still could not shut off truck traffic on Zimmerman Trail because we used federal funds to build the road.

Correspondence from Debbie Deagen and Mary Vant Hull

The e-mail and letter from these women regards their vision for a safe trail between Belgrade and Bozeman. Communication is ongoing with them on this issue. Commissioner Griffith said he received the e-mail the day before the TCP meeting. I explained the process to **her**, and that we have a bike path built into the Valley center project. I also suggested she work with other county entities on the project.

City of Kalispell

We have given Glacier Bank a permit to build a skywalk from one building to another on a side street off US 93.

Dr. McDonald letter

Commissioner Howlett asked Lynch to discuss this letter about a request for an overpass in Pablo. The college is building a physical education facility and I'm interested in building a medical facility. There will be major traffic between the east and west side of the highways. He asked if we wouldn't relook at a pedestrian structure in Pablo in the area of the tribal complex. I was part of the planning for this project, and in retrospect, it appears this was an oversight. There are a tremendous number of kids crossing the street at this location.

Lynch said this part of the EIS and there was a significant amount of communication. Commissioner Howlett pointed out that a traffic signal would stop four lanes of traffic, and the four lanes were designed to keep traffic moving. A pedestrian structure would be proactive.

Frazier said the tunnel idea was rejected by the TDC (Technical Design Committee).

Currie suggested the issue go back to the POG (Policy Oversight Group). I would rather look at it as a standalone project rather than messing with the EIS.

Commissioner Espy asked if a survey had been done regarding the number of pedestrians crossing at that location. She cited the example of a crosswalk concept she'd seen in California.

Commissioner Griffith said but that's stopping 55 mph or 65 mph traffic. We ought to make this efficient.

Commissioner Espy asked about the timeframe before we could see a solution in place.

=> Chairman Kennedy asked for a copy of the letter. Lynch said I will bring you more information at the January meeting.

Morning Star Drive

They did get through a lot of the work. They got two-thirds of the lift before winter, so so the road is in gravel. They will need to finish the curb and gutter, sidewalks and paving in the spring.

Base stabilizer

Our department met with FHWA to talk about this. The counties understand their responsibilities to pave roads in order for the state to take them over as secondary routes, however, they're in a catch-22 because many simply don't have the resources to do that. They wondered if there is any other way for them to receive federal participation on these roadways if they use some sort of base stabilization. We are still working on this and will keep you updated.

Chairman's items

Kennedy said our county commissioners met with the new engineering director from the BIA (Bureau of Indian Affairs). They talked about secondary roads and county roads, and the possibility of "signing over" the road to the tribe to redo the roads and then sign them back over to the county. Oregon is going through the process right now. Can that be done on state secondary roads? Lynch said there may be some misunderstanding on the process. The only way I'm aware of is if IRR funding is used. I can't imagine the reservations wanting to use their funding on county roads. We had negotiations with Rocky Boy's yesterday to talk about Taylor Road. He cautioned going down that road until more research is done.

=> Chairman Kennedy invited Lynch to present that that information to the county commissioners across the state. Their mid-winter meeting is the week of February 13. Kennedy will make arrangements to put Lynch on the agenda.

Chairman Kennedy said he was disturbed that Pryor road is not completed yet, as well as in the performance of the BIA on Morning Star Drive. Could we invite BIA engineer Wilke to speak to the Transportation Commission? => Lynch said I will aim to bring you information in January about what he's trying to do. I think the confusion is coming from a new provision in SAFETEA-Lu that talks about including reservations in a 50-mile radius and all roads in and out, primarily for a participation process. If a county is going to change a connecting road to the reservations, this allows the Tribe to participate in the planning of that and voice impacts of the change. I think this has been misunderstood to think that perhaps the Tribes could build roads off the reservation without going through the competitive bidding process.

=> Chairman Kennedy asked for an update on the status of the negotiations with each of the tribes at the next meeting. He echoed his previously-voiced concern at a safety project taking five years to get built and the effect that has on the people who live there and drive the road every day and school busses.

Duman said another piece is the administration of the IRR program. Whereas the BIA had sole authority on disbursing IRR funds, the tribes can now work directly with the Federal Highway Administration. Rulemaking is still needed to establish all the details.

Commissioner Howlett said consistency will be needed on a national level. Duman said we are advising tribes not to incur any costs until the implementation details are known.

=> Lynch said I will have a detailed report for the commission in January

Federal earmarks

Strachl distributed a spreadsheet showing the above-the-line and below-the-line earmarks. It has been updated to be consistent with the changes made during the TCP meeting process. There are about \$3 million in transit earmarks that have not yet been defined.

Chairman Kennedy noted that the Shiloh Road reconstruction is slated for construction in 2008, not beyond 2009 as noted on the spreadsheet. => Lynch said I want to come back to you with the final TCP and the earmarks at the January meeting. Kennedy asked everyone to mark the spreadsheets as drafts. Strachl emphasized that the spreadsheets are living documents that will be constantly changing.

Agenda item 14: Set commission schedule for upcoming meetings

Chairman Kennedy said there is a problem with one of the dates because of a conflict with a MACo loss control conference in January. Two days will be set aside for each commission meeting so that we have more flexibility to pick a day as the year goes along. The following dates were proposed for commission meetings:

- January 25, 2006
- March 1-2, 2006
- April 13, 2006
- May 24-25, 2006
- June 28-29, 2006
- August 2-3, 2006
- September 13-14, 2006
- October 18-20 including TCP prep meeting
- December 6-7, 2006

Currie said we will need to coordinate with fiscal staff on the TCP meetings, so we will give you dates for the TCP meetings at the January 2006 meeting. Chairman Kennedy noted that the MACRS convention will be April 3-5 in Great Falls– all are invited.

Conference call dates:

These dates are tied to the bid lettings and are scheduled as follows:

- February 6, 2006
- March 6, 2006 – Kennedy will call in from Washington
- April 10, 2006
- May 8, 2006
- June 5, 2006
- July bids will be awarded during the June 28 meeting if possible
- July 31, 2006
- August 28, 2006
- October 2, 2006
- November 13, 2006
- December 18, 2006

Chairman Kennedy said we haven't visited districts two and five. It was decided that the June meeting will be in district five; the August 2-3 meeting will be in district two.

Agenda item 13: Public comment

None received.

The meeting adjourned at 12:25 pm.

Bill Kennedy, Chairman
Montana Transportation Commission

Jim Lynch, Director
Montana Department of Transportation

Waverly Engebretson and
Lorelle Demont, Secretary
Montana Transportation Commission